

REFERENCE TITLE: automobile theft authority; membership

State of Arizona
Senate
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First Regular Session
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SB 1433

Introduced by
Senators Melvin, Huppenthal, Paton; Representatives Williams: Antenori,
Gowan, Pratt, Quelland

AN ACT

AMENDING SECTION 41-3451, ARIZONA REVISED STATUTES; RELATING TO THE AUTOMOBILE THEFT AUTHORITY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 41-3451, Arizona Revised Statutes, is amended to
3 read:

4 41-3451. Automobile theft authority; powers and duties; fund;
5 audit

6 A. An automobile theft authority is established consisting of the
7 following members:

8 1. Two police chiefs who are appointed by the Arizona chiefs' of
9 police association, one of whom represents a city or town with a population
10 of one hundred thousand or more persons and one of whom represents a city or
11 town with a population of less than one hundred thousand persons, or their
12 designees.

13 2. Two sheriffs who are appointed by the Arizona sheriffs' association,
14 one of whom represents a county with a population of five
15 hundred thousand or more persons and one of whom represents a county with a
16 population of less than five hundred thousand persons, or their designees.

17 3. ~~Two county attorneys who are appointed by the governor, one of whom~~
18 ~~represents a~~ THE COUNTY ATTORNEY OF EACH county with a population of one
19 million or more persons ~~and one of whom~~ OR THEIR DESIGNNEES.

20 4. ONE COUNTY ATTORNEY WHO IS APPOINTED BY THE GOVERNOR AND WHO
21 represents a county with a population of less than one million persons, or
22 ~~their~~ designees THE COUNTY ATTORNEY'S DESIGNEE.

23 ~~4.~~ 5. Two employees of insurers who are licensed to write motor
24 vehicle liability insurance in this state and who are appointed by the
25 governor.

26 ~~5.~~ 6. Two members of the general public who are appointed by the
27 governor.

28 ~~6.~~ 7. The assistant director for the motor vehicle division in the
29 department of transportation or the assistant director's designee.

30 ~~7.~~ 8. The director of the department of public safety or the
31 director's designee.

32 B. Members serve staggered four year terms beginning and ending on the
33 third Monday in January. At the first meeting each year, the members shall
34 select a chairman from among the members. The authority shall meet at the
35 call of the chairman or seven members.

36 C. The authority may:

37 1. Hire staff members as necessary, including an executive director.
38 The executive director's annual compensation shall not be more than
39 seventy-five thousand dollars.

40 2. Provide work facilities and equipment as necessary.

41 3. Determine the scope of the problem of motor vehicle theft,
42 including particular areas of the state where the problem is greatest.

43 4. Analyze the various methods of combating the problem of motor
44 vehicle theft.

45 5. Develop and implement a plan of operation.

- 1 6. Develop and implement a financial plan.
- 2 7. Solicit and accept gifts and grants.

3 8. Report by December 31 of each year to the governor, the president
4 of the senate, the speaker of the house of representatives, the secretary of
5 state and the director of the Arizona state library, archives and public
6 records on its activities during the preceding fiscal year.

7 D. If the chairman of the authority knows that a potential ground for
8 the removal of a member of the authority exists under this subsection, the
9 chairman shall notify the governor. The governor shall remove the member if
10 the governor finds that any of the following applies:

11 1. The member was not qualified to serve at the time the member was
12 appointed.

13 2. The member does not maintain the member's qualifications to serve.

14 3. The member cannot discharge the member's duties for a substantial
15 part of the term due to illness or other disability.

16 4. The member is absent from more than one-half of the regularly
17 scheduled meetings during a calendar year unless the member's absence is
18 excused by a majority vote of the authority.

19 E. The automobile theft authority fund is established consisting of
20 any public or private monies that the authority may receive. The automobile
21 theft authority shall administer the fund. Subject to legislative
22 appropriation, monies in the fund shall only be used to pay the expenses of
23 the authority and to carry out the purposes of this section. Monies in the
24 fund are exempt from the provisions of sections 35-143.01 and 35-190 relating
25 to lapsing of appropriations. On notice from the authority, the state
26 treasurer shall invest and divest monies in the fund as provided by section
27 35-313, and monies earned from investment shall be credited to the fund.

28 F. The authority may accept nonmonetary contributions, including the
29 services of individuals, office and secretarial assistance, mailings,
30 printing, office equipment, facilities and supplies, that are necessary to
31 carry out its functions. The nonmonetary contributions shall not be included
32 in the costs of administration limitation prescribed by subsection H of this
33 section.

34 G. The automobile theft authority shall allocate monies in the fund to
35 public agencies for the purpose of establishing, maintaining and supporting
36 programs that are designed to prevent motor vehicle theft, including:

37 1. Financial support to law enforcement and prosecution agencies for
38 programs that are designed to increase the effectiveness of motor vehicle
39 theft prosecution.

40 2. Financial support for programs that are designed to educate and
41 assist the public in the prevention of motor vehicle theft.

42 H. The costs of administration shall not exceed ten per cent of the
43 monies in the fund in any one year so that the greatest possible portion of
44 the monies available to the authority is expended on combating motor vehicle
45 theft.

1 I. Monies expended from the automobile theft authority fund shall be
2 used to supplement, not supplant, other monies that are available for motor
3 vehicle theft prevention.

4 J. Each insurer issuing motor vehicle liability insurance policies in
5 this state shall pay a semiannual fee of fifty cents per vehicle insured
6 under a motor vehicle liability insurance policy issued by the insurer. The
7 fee shall be fully earned and nonrefundable at the time the insurer collects
8 the premium for the motor vehicle liability insurance policy. Each insurer
9 shall transmit the fee on or before January 31 and on or before July 31 of
10 each year to the automobile theft authority for deposit in the automobile
11 theft authority fund. The payment due on or before January 31 shall cover
12 vehicles insured under policies that are issued during the period from July 1
13 through December 31 of the previous year. The payment due on or before July
14 31 shall cover vehicles insured under policies that are issued during the
15 period from January 1 through June 30 of the same year.

16 K. The authority shall cause an audit to be made of the automobile
17 theft authority fund. The audit shall be conducted by a certified public
18 accountant every two years. The authority shall file a certified copy of the
19 audit with the auditor general immediately. The auditor general may make
20 further audits and examinations as the auditor general deems necessary and
21 may take appropriate action relating to the audit pursuant to chapter 7,
22 article 10.1 of this title.

23 L. Authority members are not eligible to receive compensation but are
24 eligible for reimbursement of expenses pursuant to title 38, chapter 4,
25 article 2.

26 M. This section does not apply to vehicles or vehicle combinations
27 with a declared gross weight of more than twenty-six thousand pounds. Motor
28 vehicle liability insurance policies issued in this state for vehicles or
29 vehicle combinations with a declared gross weight of more than twenty-six
30 thousand pounds are exempt from subsection J of this section.